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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 16th day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIAH

W.P.No. 22636/97

Between:

Smr. Prema,
W/o.Sri H.Channaveere-
gowda, resident of
No.575, 10th Main,
SWT IV Stage,
Kuvempunagar, Mysore.

..Petitioner

(Sri A.N.Venugopala Gouda, Advocate)

And:

The Mysore Urban Development
Authority, Jhansi Laxmibai
Road, Mysore, rep. by its
Commissioner.

..Respondent

(Sri P.S.Manjunath, Advocate)

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Writ petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the communication vide Annexure-F dated Nil issued by the Secretary, Mysore Urban Development Authority and direct the respondent to issue title deeds to the petitioner in respect of the property bearing site No.575, SWT IV Stage, Thonachikoppal, Mysore and do all acts required for transfer of the said property in favour of the petitioner by collecting 25 percent of the sitecost for such transfer.

This petition coming up for preliminary hearing in B group today, the Court made the following:

ORDER:

ORDER

The site bearing No.575, SWT IV Stage, Thonachikoppal was originally allotted to one Nagarathnamma. On the request of Nagarathanamma and one Siddaraju the above said site was transferred to the name of Siddaraju. Accordingly, Siddaraju was put in possession under Possession Certificate dated 23.7.1985. In view of the Possession Certificate issued in favour of Siddaraju the katha was also effected in the name of Siddaraju in the records of the Corporation. Siddaraju after constructing the house on the said site sold the house in favour of one Rangaswamy under the registered sale deed dated 26.9.1991. Rangaswamy in turn sold the building in favour of the petitioner. Thereafter the petitioner made an application to the Urban Development Authority to execute the sale deed in her favour. That request was rejected by the Urban Development Authority on the ground that the original allottee has violated the terms and conditions of allotment. This endorsement is called in question in this writ petition.



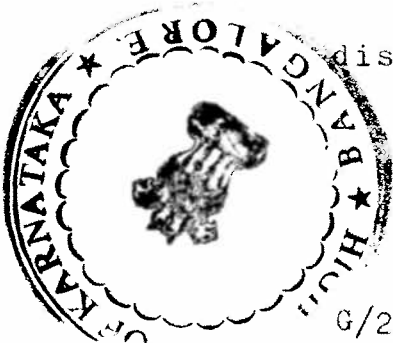
2. During the pendency of this writ petition the Urban Deveopment Authority issued a notification stating that the transfer or sale of sites in violation of the conditions will be regulrised after collecting a penalty of 25% of the site value from the purchasers. The petitioner is ready and willing to pay 25% of the value of the site. In view of this statement it is just and necessary for the respondent-Urban Deveopment Authority to consider the matter afresh under the above said notification.

3. Accordingly, I pass the following order:

The respondent-Urban Deveopment Authority is directed to consider the request of the petitioner for execution of the sale deed as he is willing to pay 25% value of the site as per the notification published by the respondent and dispose of the same as expeditiously as possible ^{ignoring} ~~irrespective of~~ the fact that the MUDA has already rejected the request of the petitioner for execution of the sale deed.

With this observation, this writ petition is disposed of.

Sd/-
JUDGE



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